

EXHIBIT 2 TO DECLARATION OF GERALDINE WEISS
IN OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER VENUE
UNDER 28 U.S.C. § 1412

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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SENORX, INC.,)
)
Plaintiff,)
)
vs.)
)
)
COUDERT BROTHERS, LLP,)
and DOES 1-500,)
)
Defendants.)
_____)

No. CGC 04-435849

DEPOSITION OF
RUTH DER

February 28, 2006

VOLUME I

(Pages 1 - 116)

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1 mean -- excuse me, not Patricia. Priscilla Marks. She
2 was assigned locationwise to Palo Alto, but she actually
3 worked out of her home.

4 (Reporter interruption.)

5 THE WITNESS: Then there was also Don Bartels.
6 He had an office in San Francisco and Palo Alto.

7 MS. WEISS: Q. Okay. Who was the supervising
8 attorney of the San Francisco office when you worked for
9 Coudert?

10 A. There were many supervising attorneys in the
11 San Francisco office.

12 Q. Can you name the supervising attorneys in the
13 San Francisco office?

14 MR. DENISTON: I'm going to object. Vague and
15 ambiguous as to the meaning of "supervising attorneys."

16 MS. WEISS: Q. What do you understand me to
17 mean by the term, supervising attorneys?

18 A. Someone who was in a position to delegate and
19 give guidance to.

20 Q. Okay. Can you recall who were the supervising
21 attorneys in the San Francisco office of Coudert when
22 you worked there?

23 A. I do recall the supervising attorneys. Do you
24 want me to answer in terms of IP or San Francisco
25 office?

1 Q. IP. Well, let's start with IP.

2 A. All right. Edward Lynch. Don Bartels.

3 David Schnaff. I don't recall some of the names. But I

4 would say the associates are also supervising attorneys

5 because they would supervise perhaps a secretary or

6 legal assistant or paralegals. So there would be

7 Steve Vosen. Jim Drapinski, he's another IP attorney.

8 His name just came to my mind.

9 MR. DENISTON: What was his first name?

10 THE WITNESS: Jim Drapinski. Sheldon Lee.

11 There were others. I just don't recall their names.

12 MS. WEISS: Q. And was there one managing

13 partner or one attorney or several attorneys in charge

14 of the whole of the office?

15 A. If you're asking me in relation to the IP

16 group, yes, there was.

17 Q. Who was that?

18 A. Don Bartels.

19 Q. And what about in relation to the attorneys

20 who worked in the San Francisco office?

21 A. Yes.

22 Q. Who was that?

23 A. When I was first employed there it was

24 Victoria Briant. She was the managing partner.

25 Q. And then who became the managing partner?

1 A. Rob Christopher.

2 Q. And who was Mr. Hebert?

3 A. He was comanaging partner at a later date.

4 Q. And in 2003 who were the managing partners?

5 A. It was Bill Hebert and -- and there goes my
6 memory with the name. Another attorney from the --
7 located in the Palo Alto office.

8 Q. Was that Mr. Michaelson?

9 A. Yes.

10 Q. And in 2003 was Don Bartels still the
11 supervising attorney of the IP department?

12 A. Yes.

13 Q. What about in Palo Alto? Was there a
14 supervising attorney there that you were aware of of the
15 IP department?

16 A. Don Bartels was the IP group head for
17 Northern California which consisted of San Francisco and
18 Palo Alto.

19 Q. All right. And if you know the answer to my
20 next question -- let me preface it.

21 The SenoRx account, was that assigned to a
22 particular office? Like the San Francisco office or the
23 Palo Alto office? Both offices? How was that client
24 assigned, if you know?

25 MR. DENISTON: Objection. No foundation.

1 THE WITNESS: It wasn't assigned. I believe
2 when Edward Lynch joined Coudert he brought the client
3 with him.

4 MS. WEISS: Q. Were the SenoRx files
5 maintained -- by that, I mean physically kept -- in the
6 San Francisco office?

7 A. Yes.

8 Q. Did any of the IP attorneys in the Palo Alto
9 office work on the SenoRx files?

10 A. Yes.

11 Q. Who worked on the SenoRx files from the
12 Palo Alto office?

13 A. James Fox.

14 Q. Was he an attorney?

15 A. Yes.

16 Q. Okay. Anyone else?

17 A. Probably the secretary.

18 Q. Who was that?

19 A. Nita Miller.

20 Q. Did Mr. Bartels work on any of the SenoRx
21 files?

22 A. Not to my knowledge.

23 Q. And who worked on the SenoRx files in the
24 San Francisco office?

25 A. Edward Lynch. Perhaps his secretary,

20

1 Anne Marie Leavy. And I did at a much later date from
2 my hire.

3 Q. Did anybody else work on the SenoRx account in
4 the San Francisco office?

5 A. Yes.

6 Q. Could you provide their names, please.

7 A. It was Jordan Wilson and then later it was

8 Tara Faenza.

9 Q. And what did Jordan Wilson do?

10 A. She worked on the foreign prosecution files

11 for SenoRx.

12 Q. And did Ms. Faenza take over from Ms. Wilson

13 as far as you know?

14 A. Yes.

15 Q. And what was Ms. Faenza's role as far as you

16 understood --

17 A. Her --

18 Q. -- with regards to SenoRx?

19 A. Okay. She was to prosecute the foreign

20 applications --

21 Q. What is --

22 A. -- or assist --

23 Q. Could you continue? Go ahead. I'm sorry, I

24 interrupted you.

25 A. To assist with prosecution of the foreign

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